

1       30. (New) A modular server system, comprising:  
2            a midplane including a system management bus and a plurality of blade slots, wherein the  
3       blade slots receive and couple blades in communication with each other; and  
4            a slot from among the plurality of blade slots, the slot adapted to receive a server blade  
5       including a system management bus, and to couple the server blade system management bus in  
6       communication with the midplane system management bus.

1  
1       31. (New) The system according to claim 30, wherein the plurality of blades slots are adapted to  
2       hot swap blades.

1  
1       32. (New) The system according to claim 30 further comprising:  
2            another slot from among the plurality of blade slots to receive a media blade having at  
3       least one media device, wherein the other slot is adapted to couple in communication the media  
4       blade to a server blade to form an individual server system.

### REMARKS

The above-referenced patent application has been reviewed in light of the Office Action dated **February 11, 2004** (hereafter, the Action). Applicant respectfully requests reconsideration of the above referenced application as amended. Claims 1-5 and 7-28 remain in the application. Claim 6 has been canceled. Applicant offers to amend claims 1-4, 12-13 and 19-20 as above, to particularly claim that which Applicant considers to be the invention.

In addition, Applicant has introduced new claims 29-32 as presented above. Support for new claims 29-32 can be found in the original specification, claims and/or figures. In this regard, no new matter has been introduced.

**Claim Rejections - 35 U.S.C. § 112**

On page 2 of the Action, claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Action points out in claim 6, the “storage medium device” lacks antecedent basis.

Applicant has canceled claim 6 and added new claim 29 with language to correct the lack of antecedent basis in canceled claim 6. In light of such amendment, Applicant respectfully requests reconsideration of new claim 29.

**Claim Rejections – 35 U.S.C. § 102:**

On page 2 of the Action, claims 1-4, 6-13, 15-20, 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al. (hereafter “Jackson”). The rejection of these claims on the above stated grounds is respectfully traversed.

Claim 1, as currently amended, states:

A modular server system, comprising:  
*a midplane having a system management bus* and a plurality of blade interfaces on the midplane, wherein the blade interfaces are in electrical communication with each other;....

Emphasis added.

The Action provides that claims 1-4, 6-13, 15-20, 22-28 do not define any structure that differs from Jackson. In particular the Action states that with regard to claim 1, Jackson discloses a “modular server system, comprising: a midplane (3[20] for example) having a system management bus...” Applicant respectfully disagrees.

As is well-established, to make out a *prima facie* case of anticipation, the Action must show that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. In the present case, Applicant respectfully submits that the teachings of the reference cited by in the Action fail to make out a *prima facie* case of anticipation.

Claim 1 recites the structure of a “midplane having a system management bus.” Applicant respectfully submits that Jackson fails to disclose the midplane structure recited in claim 1. In particular, Jackson discloses a metal midplane sub-frame (320) containing apertures (312) and mechanically attached to sub-chassis (129). See column 12, lines 45-47. Further, Jackson discloses that through plane (13[0]) and midplane sub-frame (320) “allow for the support and connection of the fan trays...” See column 12, lines 47-49.

Applicant respectfully submits that the midplane sub-frame (320) discloses a structure with apertures to provide mechanical support to include the support and connection of fan trays and does not disclose a midplane having a system management bus. Because the structure recited in claim 1 element of a “midplane having a system management bus” is not present in the reference cited in the Action, the cited reference does not support a *prima facie* case of anticipation.

Furthermore, to the extent that through plane (130), whether or not combined with midplane sub-frame (320), could be construed as a midplane as recited in claim 1, which

Applicant does not concede, Jackson nevertheless fails to disclose a midplane having a system management bus.

Applicant respectfully asserts that, based on the rationale articulated above, the Action has not established a *prima facie* case of anticipation to support the rejection of claim 1 under 35 U.S.C. § 102(e). Therefore, for at least the foregoing reasons, it is respectfully requested that the Examiner withdraw rejection of claim 1.

Independent claims 12 and 19 also include similar elements to claim 1. In particular, claims 12 and 19 contain the element of a “midplane having a system management bus.” Accordingly, claims 12 and 19 are patentable over the cited reference for the same reasons to those presented for claim 1 and Applicant respectfully requests that the Examiner withdraw rejection of claims 12 and 19.

Applicant notes that claims 2-4, 6-11, 13-18, 20 and 22-28 depend from patentable base claims 1, 12 and 19. As a result, in addition to any independent bases for patentability, Applicant respectfully submits that claims 2-4, 6-11, 13-18, 20 and 22-28 are patentable over the cited reference by virtue of at least this dependence. Thus, Applicant respectfully requests that the 35 U.S.C. 102(e) rejection of 2-4, 6-11, 13-18, 20 and 22-28 be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103:**

On page 4 of the Action, claims 5, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of the CompactPCI or cPCI board/form factor. The rejection of these claims on the above stated grounds is respectfully traversed.

The Action cannot establish a *prima facie* case of obviousness without establishing that the cited references teach or suggest all the claim limitations included by the Applicant. See

MPEP § 706.02(j). As mentioned above for independent claims 1, 12 and 19, the cited patent of Jackson does not teach or suggest the common element of a “midplane having a system management bus.” Further, claims 5, 14, and 21 depend from patentable base claims 1, 12 and 19 respectively. As a result, in addition to any independent bases for patentability, Applicant respectfully submits that claims 5, 14, and 21 are patentable over the cited references by virtue of at least this dependence.

Applicant respectfully asserts that, based on the rationale articulated above, the Action has not established a *prima facie* case of obviousness to support the rejection of claims 5, 14 and 21 under 35 U.S.C. § 103(a). Therefore, for at least the foregoing reasons, it is respectfully requested that the Examiner withdraw rejection of these claims.

## Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1-5 and 7-32, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Respectfully submitted,  
David A. Bottom

Date: 5/11/04

by:

  
Gregory D. Caldwell  
Reg. No. 39,926

Intel Corporation  
PO Box 5326  
SC4-202  
Santa Clara, CA 95056-5326  
Tel. (503) 712.2799

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

5.11.04

Date of Deposit

Derek S. Watson

Name of Person Mailing Correspondence

dsw

5.11.04

Date